

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- x Civil Action No.: CV 11 6115  
THERESA FAITAK,

Plaintiff,

- against-

**ANSWER TO AVAX PROPERTY  
ASSOCIATES, LLC'S CROSS-  
CLAIMS**

AVAX PROPERTY ASSOCIATES, LLC,

DOUGLASTON REALTY MANAGEMENT  
CORPORATION,

METRO MANAGEMENT DEVELOPMENT,  
INC.,

and

59-11 QUEENS BOULEVARD OWNERS, INC.

Defendants.  
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The Defendants, Metro Management Development, Inc. ("Metro") and 59-11 Queens Boulevard Owners, Inc. ("59-11 Owners," collectively, the "Defendants"), as and for an Answer to the Defendant, Avax Property Associates, LLC ("Avax"), cross-claims as contained in its Amended Answer to Amended Complaint, Affirmative Defenses and Cross-Claims (the "Cross-claims") against Metro and 59-11 Owners, allege as follows:

**AS AND FOR AN ANSWER TO "TWENTY-FIRST AFFIRMATIVE DEFENSE  
AND FOURTH CROSS-CLAIM AGAINST ALL CO-DEFENDANTS"**

1. In response to Paragraph "134," Defendants repeat and reallege each response and affirmative defense in its Answer with Affirmative Defenses and Cross-Claims to Plaintiff's Amended Complaint and Jury Demand (the "Answer") as if fully set forth herein.

2. Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations pertaining to Defendant Douglaston Realty Management Corporation (“Douglaston”) and deny all remaining allegations as contained in Paragraph “135” of the Cross-claims.

3. Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations pertaining to Defendant Douglaston and deny all remaining allegations as contained in Paragraph “136” of the Cross-claims.

**AS AND FOR AN ANSWER TO “TWENTY-SECOND AFFIRMATIVE  
DEFENSE AND FIFTH CROSS-CLAIM AGAINST ALL CO-DEFENDANTS”**

4. In response to Paragraph “137,” Defendants repeat and reallege each response and affirmative defense in its Answer as if fully set forth herein.

5. Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations pertaining to Defendant Douglaston and deny all remaining allegations as contained in Paragraph “138” of the Cross-claims.

6. Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations pertaining to Defendant Douglaston and deny all remaining allegations as contained in Paragraph “139” of the Cross-claims.

**AS AND FOR AN ANSWER TO “TWENTY-THIRD AFFIRMATIVE DEFENSE  
AND SIXTH CROSS-CLAIM AGAINST ALL CO-DEFENDANTS”**

7. In response to Paragraph “140,” Defendants repeat and reallege each response and affirmative defense in its Answer as if fully set forth herein.

8. Defendants deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations pertaining to Defendant Douglaston and deny all remaining allegations as contained in Paragraph “141” of the Cross-claims.

The “WHEREFORE” Paragraphs which immediately follow Paragraph “141” of the Cross-claims state a prayer for relief to which no responsive pleading is required but, should a response be required, the Defendants deny that Avax is entitled to any relief as against Defendants Metro and 59-11 Owners.

**WHEREFORE,** Defendants Metro and 59-11 Owners demand judgment dismissing Avax’s Cross-claims, for costs and disbursements of this action, including attorneys’ fees, and for such other and further relief as the Court deems just and proper.

Dated: New York, New York  
April 18, 2013

Winget, Spadafora & Schwartzberg, LLP  
*Attorneys for Defendants*  
METRO MANAGEMENT  
DEVELOPMENT, INC. and 59-11 QUEENS  
BOULEVARD OWNERS, INC.

By: /s/ Melissa L. Morais  
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**CERTIFICATION OF SERVICE**

THIS IS TO CERTIFY that a copy of Defendants' Answer to Avax Property Associates, LLC's Cross-Claims was sent via ECF and regular mail on this date to the individuals below:

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Dated: April 18, 2013

/s/ Melissa L. Morais  
Melissa L. Morais (MM – 7982)